

**Notice of Allowability****Application No.**

10/019,753

**Examiner**

Rip A. Lee

**Applicant(s)**

YAMASHITA ET AL.

**Art Unit**

1713

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 14, 2004.
2. ☒ The allowed claim(s) is/are 7-18 and 22-30.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### DETAILED ACTION

This office action follows a response filed on May 14, 2004. Applicants have canceled claims 1-6 and 19-21. Claims 22, 29 and 30 were amended.

#### *Allowable Subject Matter*

The following is an examiner's statement of reasons for allowance: Claims 7-18 and 22-30 are allowed over the closest references, JP 11-246733, U.S. Patent No. 4,066,717 to Li et al. and JP 10-231403.

The present invention is drawn to an optical part comprised of a resin composition comprising (A) polymer comprising indene/indene derivative monomer units and either or both of (B) a polymer consisting of styrene/styrene derivative monomer units and (C) a polymer comprising styrene/styrene derivative monomer units and a copolymerizable monomer unit such that the resin composition exhibits a saturated water absorption of 0.4 % or less and a birefringence upon stretching by 200 % in the range of  $-2 \times 10^{-6}$  to  $2 \times 10^{-6}$ .

Another embodiment of the invention relates to a resin composition comprising (F) a polymer comprising indene/indene derivative monomer units, (G) a polymer comprising styrene/styrene derivative monomer units and (H) a graft polymer. Component (H) has a structure in which (F) bonds to a side chain of a polymer comprising styrene/styrene derivative monomer units and a copolymerizable monomer units.

A third aspect of the invention relates to a resin composition comprising (I) a polymer of indene/indene derivative monomer units having a heterocyclic structure in a side chain thereof, (J) a polymer comprising styrene/styrene derivative monomer units, (D) diphenylsilicone, and (E) phenolic antioxidant.

JP 11-246733 discloses a composition comprising an isobutylene-based block copolymer and a thermoplastic resin. The block copolymer contains a vinyl aromatic block prepared from indene derivatives. The thermoplastic resin is variegated and includes polystyrene. Arguably, the prior art material appears to read upon the composition recited in the present claims, however, the invention is drawn specifically to an optical part, as recitation of birefringence property claims indicate. There is no teaching or suggestion in the reference which shows use of the composition in an optical article. Therefore, it is held that one having ordinary skill in the art would not have found it obvious to arrive at the claimed optical part.

Li *et al.* teaches a composition comprising 100 pw of polystyrene and 1-50 pw of polyindene. JP 10-231403 teaches a composition comprising 10 pw of an aromatic resin having a molecular weight of 100,000-600,000 and 0.1-30 pw of the hydrogenation product of a petroleum resin obtained by polymerizing the fraction containing vinyltoluene and indene. Again, the references make no indication as to the application of the inventive material. Therefore, without teaching or suggestion in the text, it is maintained that one of ordinary skill in the art would not have found it obvious to arrive at the claimed optical part.

None of the references teach or fairly suggest compositions containing recited components (H) and (I). Therefore, these compositions are considered novel over the prior art.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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July 19, 2004



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